

by twenty-five percent if a station stop of a public surface transportation system is located no more than one thousand feet from the nearest point of such building. Such approval by the City Council may be given as part of the approval of any Preliminary or Final Plan."

41. Subsection 10.6-19 shall be modified to read as follows:

"10.6-19. The parking facilities required for mixed uses shall be the sum of the requirements for the various individual uses computed separately in accordance with this Section, and parking facilities for one use may be considered as providing the required parking facilities for another use if a time diversity factor is shown."

42. Except for the incorporation of permitted use descriptions in Section II hereof, Sections 11, 12 and 13 shall be inapplicable. For the purpose of such incorporated permitted use descriptions Subsection 12.2-1.1 shall be modified to read as follows:

"12.2-1.1. Dwelling units, provided that they are located above the ground floor and that the zoning lot area coverage and floor area ratio limitations provided for in Subsection A. 5.b. of Section III hereof are complied with."

43. Clause (a) of Subsection 14.7-6 shall be modified to read as follows:

"(a) Within such time periods as are prescribed in Subsection 14.7-8, Preliminary Plans for all or specified development phases of the District shall be submitted for approval in accordance with the procedures set forth in Subsection 14.7-12. Approval of Preliminary Plans may not be withheld for reasons that would be inconsistent with the approved Plan Description. Preliminary Plans may contain reasonable variations from the approved Plan Description. In approving a Preliminary Plan, the City Council may, without further public hearing, also approve changes from the Plan Description which exceed the scope of such reasonable variations, provided that no such change is a 'major change' as defined in clause (b) of Subsection 14.7-6, below."

44. Subsection 14.7-15 shall be modified to read as follows:

"14.7-15. PERMITS. Building, zoning and occupancy permits shall be required for each structure in the District. No building permit relating to any part of the District shall be issued prior to the approval of a Final Plan for such part of the District in accordance with the provisions of this Subsection 14.7;

provided that, subject to the approval of the City Engineer, mass grading and excavation operations may be carried on prior to the approval of such Final Plan; and, provided further, that if authorized by the City Council and subject to such conditions as may be prescribed in such authorization, building permits relating to any part of the District may be issued prior to the approval of a Final Plan for such part of the District."

B. Subdivision Control Ordinance Modifications and Exceptions.

The District shall not be subject to those provisions of the Subdivision Control Ordinance listed below and described as inapplicable. With respect to those provisions of the Subdivision Control Ordinance listed below and shown in modified form, the District shall be subject thereto only as so modified. With respect to Subsection 1. below, the Subdivision Control Ordinance, in its application to the District, shall be deemed generally modified in accordance therewith.

1. The words "improvement", "improvements", "public improvements" and "street improvements", wherever used in the Subdivision Control Ordinance, shall be deemed to mean only those land improvements which are required

to be dedicated to the City or to the State of Illinois or a unit of local government (hereinafter called "other public body") pursuant to the provisions of said Ordinance as modified by this Plan Description, and the design standards set forth in Sections 43-59, 43-60 and 43-61 of the Subdivision Control Ordinance, as modified by this Plan Description, shall be applicable only to such required land improvements.

2. Section 43-5 shall be modified to read as follows:

"Sec. 43-5. EFFECT OF CONFLICTS.

Where the conditions imposed upon the use of land by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter, the regulations which are more restrictive or which impose higher standards or requirements shall govern; provided, that where the conditions imposed upon the use of land by any provision of this chapter which have been modified by this Plan Description are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter, the conditions imposed by the provisions of this chapter which have been so modified shall govern. Where the conditions imposed upon the use of land by any provision

of this chapter, as modified by this Plan Description, are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, rule or regulation of any kind, the conditions imposed by the provisions of this chapter, as modified by this Plan Description, shall govern."

3. Section 43-11 shall be modified to read as follows:

"Sec. 43-11. COMPLIANCE PREREQUISITE TO BUILDING PERMIT.

No building permit shall be issued by any governing official for the construction of any building, structure or improvement to the land or any lot within a subdivision as defined herein, which has been approved for platting or replatting, until all requirements of this chapter have been fully complied with; provided that with the approval of the City Engineer, mass grading and excavation operations may be carried on in areas covered by a preliminary plat approved pursuant to the provisions of this ordinance or in areas covered by a Preliminary Plan approved pursuant to Subsection 14.7 of the Zoning Ordinance."

4. Section 43-12 shall be modified to read as follows:

"Sec. 43-12. PREREQUISITE TO OCCUPANCY PERMITS.

No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and until roadways providing access to the subject lot or lots have been constructed or are in the course of construction; provided, that an occupancy permit may be granted if the City Engineer has approved the use of temporary utility facilities and roadways pending completion of the required permanent utility facilities and roadways."

5. Subsection (a) of Section 43-16 shall be modified to read as follows:

"(a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land; provided that with the approval of the City Engineer, mass grading and excavation operations may be carried on in areas covered by a preliminary plat approved pursuant to the provisions of this ordinance or in areas covered by a Preliminary Plan approved pursuant to Subsection 14.7 of the Zoning Ordinance."

6. Subsection (c) of Section 43-16 shall be modified to read as follows:

"(c) Unless authorized by the City Engineer, no improvements, such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service, lighting, grading, paving, or surfacing of streets, shall hereafter be made by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent."

7. Subsection (C) of Section 43-31 shall be modified to read as follows:

"(C) OTHER PRELIMINARY PLANS. When required by the Plan Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions within the District for a reasonable distance beyond the limits of the proposed subdivision and extensions outside of the District for such a reasonable distance where such new streets connect with existing streets outside of the District; typical cross sections of the proposed grading, roadway, and sidewalks; and preliminary plan of proposed sanitary and storm water sewers with grades

and sizes indicated. All elevations shall be based on the city datum plane or the USGS datum plane."

8. Subsection (D) of Section 43-31 shall be inapplicable.

9. Subsection (b) of Section 43-32 shall be modified to read as follows:

"(b) Typical cross sections and profiles of streets showing grades approved by the City Engineer. The profiles shall be drawn to city standard scales and elevations and shall be based on the city datum plane or the USGS datum plane."

10. Subsection (a) of Section 43-45 shall be modified to read as follows:

"(a) The subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified below. Thirty copies of the preliminary plat and supplementary material specified shall be submitted to the City Clerk, on forms provided by the City Clerk, with written application for approval. The preliminary plat and fee, as required by this chapter, shall be submitted

to the City Clerk at least thirty days prior to the regular meeting of the Plan Commission to receive action thereon at that meeting."

11. Subsection (d)(3) of Section 43-45 shall be modified to read as follows:

"(3) Approval of the preliminary plat shall be effective until the expiration of the eighteen-year period following the approval date (as defined in Subsection A.1. of Section II hereof) unless, upon application of the subdivider, the City Council grants an extension. The application for said extension shall not require an additional filing fee, or the submittal of additional copies of the plat of subdivision."

12. Subsection (c) of Section 43-46 shall be modified to read as follows:

"(c) A final plat for all or a portion of the area covered by any approved preliminary plat, prepared as specified in Article II, shall be submitted to the City Clerk for approval prior to the expiration of the eighteen-year period following the approval date (as defined in Subsection A.1. of Section II hereof) unless, upon application of the subdivider, the City Council grants an extension. Such an application shall

not require an additional fee or filing of additional copies of the plat. Every final plat submitted for approval shall be submitted in thirty counterparts."

13. Subsection (f)(3) of Section 43-46 shall be modified to read as follows:

"(3) Upon approval by the City Council, the subdivider shall record the plat with the county recorder of the county or counties in which the property is located within six months or such longer period as may be approved by the City Council. If not recorded within such time, the approval shall be null and void. Immediately after recording, the original tracing or a duly certified cloth or mylar reproducible copy shall be filed with the City Engineer."

14. Subsection (a) of Section 43-47 shall be modified to read as follows:

"(a) The final plat shall be approved by the City Council before recording and such approval shall not be given until the subdivider has complied with the requirements of this Section. No building permit may be issued until the final plat has been recorded; provided that with the approval of the City Engineer, mass grading and excavation operations may be carried on in areas

covered by a preliminary plat approved pursuant to the provisions of this ordinance or in areas covered by a Preliminary Plan approved pursuant to Subsection 14.7 of the Zoning Ordinance."

15. Subsection (a)(1) of Section 43-47 shall be modified to read as follows:

"(1) After approval of the preliminary plat the subdivider may present plans and specifications for all improvements to the City Engineer for approval. Upon approval by the City Engineer, and by all other pertinent authorities, the subdivider may construct and install all such improvements. On approval and certification of completion of such improvements by the City Engineer, the final plat shall be submitted as herein provided for approval, and, upon approval, may be recorded. If engineering plans require substantial changes from the preliminary plat, as approved, the subdivider shall, prior to constructing the improvements, revise and resubmit the preliminary plat for reapproval, and such resubmission shall not require the payment of additional fees."

16. Subsection (a)(2) of Section 43-47 shall be modified to read as follows:

"(2) In lieu of actual construction of the improvements, as provided in (1) above, the subdivider may post with the City Clerk, cash, negotiable securities, an irrevocable letter of credit issued by a bank authorized to do business in the State of Illinois, or a surety bond running to the City with sureties acceptable to the City Council or with sureties whose surety bonds for similar improvements are acceptable to the State of Illinois, in any case, in an amount sufficient to cover the full list of said improvements in such amounts as shall have been approved by the City Engineer and conditioned on the completion and acceptance by the City Engineer of all improvements within two years from the approval of the final plat. Upon acceptance of such cash, negotiable securities, irrevocable letter of credit or surety bond, approval of plans and specifications for all improvements by the City Engineer and approval of the final plat by the City Council, such plat may be recorded."

17. Subsection (a)(3) of Section 43-47 shall be modified to read as follows:

"(3) In lieu of the provisions of (1) or (2) above, the subdivider may submit with his final plat his plans and specifications for all improvements and evidence of a binding

agreement with a responsible contractor for the installation of all such improvements within two years after the approval of the final plat, together with a performance bond running to the City with sureties acceptable to the City Council or with sureties whose performance bonds for similar improvements are acceptable to the State of Illinois. Upon approval of the plans and specifications by the City Engineer and other interested agencies and of the agreement, bond and final plat by the City Council, such plat may be recorded."

18. Subsection (b) of Section 43-47 shall be modified to read as follows:

"(b) Upon acceptance of the improvements or any substantial portion thereof by the City, any cash, negotiable securities, letter of credit, or bond posted with the City with respect to such improvements or such portion pursuant to Subsections (a)(2) or (a)(3) above shall promptly be returned to the subdivider. The subdivider shall in the case of improvements installed pursuant to Subsections (a)(1), (a)(2) or (a)(3) of this Section 43-47, as modified by this Plan Description, be responsible for defects in construction of all improvements for one year following their acceptance by the City, and shall guarantee the correction of any such defects by posting cash, negotiable

securities, an irrevocable letter of credit issued by a bank authorized to do business in the State of Illinois, or a surety bond with sureties approved by the City Council or with sureties whose surety bonds for similar improvements are acceptable to the State of Illinois in the amount of twenty percent of the cost of such improvements. The fulfillment of this requirement is a condition to approval of the final plat, and is in addition to the requirements of Subsection (a) of this Section. Unless there is a pending unresolved claim by the City with respect to any defects in construction of such improvements, such cash, negotiable securities, letter of credit or bond shall promptly be returned to the subdivider at the end of such one-year period."

19. Section 43-48 of the Subdivision Control Ordinance shall be inapplicable and in lieu thereof the following provisions shall govern the open space, park, recreation land and school site land reservation and dedication obligations which shall apply to the District:

a. Open Space, Park and Recreation Land.

Land shall be reserved in each Region of the District for public open space, park and recreation areas. The amount of land to be so reserved shall be five and one-half acres for each one thousand persons estimated to be included in the total residential population of such Region, using for

the purpose of such estimate the Table of Estimated Ultimate Population set forth in Subsection D of Section 43-48 of the Subdivision Control Ordinance (hereinafter called "Table of Estimated Population"). As a condition to the approval by the City Council of any Final Plan for a development phase of a Region of the District pursuant to Subsection 14.7 of the Zoning Ordinance, which Final Plan includes land reserved for public open space, park and recreational areas, the City Council shall require (i) a dedication of the reserved land to the City or to another public body approved by the developer and the City Council, or (ii) a contractual commitment from the developer obligating the developer to dedicate the reserved land to the City or such other public body within such time period as may be specified by the City Council, which time period shall not, without the developer's approval, be longer than one year commencing with the date of such Final Plan approval; provided, that:

(1) Such dedication obligation shall, at the request of the developer be conditioned upon the execution, prior to such dedication, of a legally binding agreement between the developer and the City, or between the developer and such other public body to which such land is to be dedicated, which agreement shall provide, among other matters, that:

(a) An equitable portion of the tax revenues attributable to the land in the Region which shall have been or shall thereafter be received by the City or by such other public body during the period commencing with the date of annexation of the District to the City and ending three years after the date of approval of a Final Plan for the last development phase of the Region, pursuant to levies made by the City or by such other public body for open space, park or recreational purposes, shall be expended for the installation, purchase, maintenance or operation of improvements to or recreational programs conducted in such dedicated land or other land in the Region theretofore or thereafter dedicated pursuant to the provisions of this Subsection B.19.a.; provided, that the improvements referred to in this Subsection B.19.a. shall not include the improvements to be provided by the developer pursuant to the provisions of Subsection B.19.c.(1) hereof, but shall include the purchase and maintenance of landscaping, recreational equipment, tennis courts, ball fields, and similar park and recreation facilities (hereinafter called "recreational improvements"); and provided

further, that in determining an equitable portion of such tax revenues, the following factors shall be given consideration:

(i) the need and desirability of adequate open space, park and recreational improvement expenditures during the development period of the Region; (ii) expenditures by the City or such other public body for the installation, purchase, maintenance or operation of improvements to or recreational programs conducted in areas in such Region which improvements and programs are reasonably available to persons residing outside such Region; and (iii) the general administrative costs of the City or such other public body related to open space, park or recreational purposes; and

(b) The City or such other public body which is to make the purchase of or payment for recreational improvements to be purchased with or paid for from tax revenues pursuant to the terms of such agreement shall, prior to the determination of the type of recreational improvements which are to be so purchased or paid for, consult with the developer and give consideration to the developer's views as to the type of recreational improvements which would be appropriate for the area in which they are to be installed or constructed; and

(c) Agreed upon recreational improvements may be made or paid for by the developer in advance of the time when tax revenues are available for their purchase, subject to arrangements for subsequent repayment to the developer, out of future tax revenues, of the agreed upon cost thereof to the developer plus agreed upon interest charges; and

(d) The City or such other public body agrees to accept such dedicated land and to assume responsibility for the maintenance thereof; and

(e) The land to be so dedicated will at all times after such dedication be maintained in a manner adequate to prevent such land from being a detraction to the value and use of other property in the District; provided, that the cost of such maintenance shall, for the purpose of Subsection B.19.a.(1)(a) above, be treated as a cost of maintaining a recreational improvement as such term is defined in such Subsection; and

(f) The City or such other public body will use its best efforts to obtain federal or state funds or grants which may be available for the purchase and maintenance of recreational improvements to the land so

dedicated and will utilize any such funds or grants which are obtained for such purchase and maintenance; and

(g) The City or such other public body will, in the planning for any public open space, park or recreation area adjacent to a reserved school site, cooperate with the school district for which such school site has been reserved so as to maximize the utility of the public open space, park or recreation area for the needs of the educational facilities for which the reserved school site is to be used.

(2) If the developer and the City or the developer and such other public body to which land is to be dedicated are unable to agree upon the terms of such an agreement, the City, such other public body or the developer may at any time request that the areas of disagreement be submitted to arbitration in accordance with the rules then obtaining of the American Arbitration Association, and the arbitrators shall be selected as follows: on ten days' written notice by either party to the other, each of them shall designate an arbitrator, and a third arbitrator shall be selected within twenty days thereafter by the two arbitrators so designated. The award under such arbitration shall, if accepted by the City or such other public body, be binding upon the

developer. If the City or such other public body does not accept such award, within thirty days after its determination, the developer shall be relieved from the land dedication obligation to which the agreement was a condition, and if the City or such other public body to which the land was to be dedicated does not, within ninety days from the date of the determination of such award, acquire such land by purchase or commence proceedings to acquire such land by condemnation, the developer shall be relieved from any reservation obligation with respect to such land. Such land may then be developed and used in any manner permitted by Subsections A., B. and C. of Section II hereof.

(3) Land devoted to private open space, park and recreation areas (including swimming clubs, tennis clubs and golf courses) may be deducted from the land reservation and dedication obligation for public open space, park and recreation areas; provided, that:

(a) Subject to Subsection (b) below, such deductions may not, without the approval of the City Council, exceed twenty percent of such public open space, park and recreation area, land reservation and dedication obligation;

(b) Such deductions may, without approval of the City Council, exceed twenty

but not forty percent of such obligation to the extent that such excess percentage of land is devoted to private open space, park and recreational uses, such as swimming clubs, tennis clubs and golf courses which are designed to serve and open to membership from or available for use by all residents of the City;

(c) Plans for such private open space, park and recreation areas, including specifications of facilities to be installed, must be approved by the City;

(d) Appropriate arrangements shall be required to provide for the continuing protection and maintenance of such private open space, park and recreation areas;

(e) Private open space, park and recreation areas shall be areas devoted exclusively to the scenic, landscaping, recreational or leisure uses of the occupants of dwelling units for whose use the private open space areas are intended and shall be accessible and available to all such occupants. Private open space areas shall not include public rights-of-way or areas covered by buildings, parking structures or accessory structures excepting where such buildings or structures are used solely for the purposes

of recreational and leisure activities. Well-designed decks or plazas which are used for recreational or leisure purposes and which are located upon buildings, parking structures or accessory buildings not solely used for recreational purposes may, subject to the approval of the City Council, be included as private open space;

(f) Any areas of private open space to be credited against public open space requirements shall be not less than twenty-four hundred square feet in area excepting for corridors of not less than twenty feet in width created to connect lots or buildings with larger private or public open space areas, in which case areas less than twenty-four hundred square feet shall be credited. Such private open space shall also be in addition to zoning lot land area requirements as contained in this Plan Description unless otherwise approved by the City Council; and

(g) Any approvals by the City Council provided for in this Subsection B.19.a.(3) may be given as part of the approval of a Preliminary or Final Plan.

(4) Prior to the preparation of Preliminary Plans for successive development

phases of the Region, the developer will consult with appropriate representatives of the City, or other public body for which land for public open space, park and recreation areas is to be reserved or dedicated, with respect to the location of such areas. The proposed location of such public open space, park and recreation areas shall be in accordance with the open space, park and recreation land development plans as shown on the developer's General Development Plans and Preliminary Plans for successive development phases of the Region submitted for approval in accordance with Subsection 14.7 of the Zoning Ordinance. Plans for public open space, park and recreation areas shall reasonably conform to the Goals and Standards for Parks and Open Space included in the Comprehensive Plan for Parks and Recreation of the Fox River Valley Pleasure Drive-way and Park District, Southern Kane County Sector dated December, 1972 (hereinafter called the "Park District Plan"). Whenever reasonably possible, a park site of at least four acres in size shall be located adjacent to each elementary school site.

(5) Subject to the requirements of Subsection B.19.c.(1) below, the areas used for the storm water retention and runoff facilities described in Subsection C. of Section V hereof

and areas zoned as flood plain by the City may be included as land reserved to meet the public open space, park and recreation area land reservation obligations of this Plan Description, and it shall be a condition to all of a developer's obligations under this Subsection B.19.a. that at the developer's request, the City or another public body approved by the developer and by the City Council shall accept the conveyance or dedication of such land and shall assume responsibility for the maintenance thereof; provided, that it may not be made a condition of a developer's obligations under this Subsection B.19.a. that responsibility for the cost of constructing such storm water retention and runoff facilities be assumed by the City or such other public body. Such storm water retention facilities shall be designed and constructed in a manner which shall have utilized generally accepted and economically feasible engineering methods to minimize the silting of such storm water retention facilities.

(6) The developers of each Region will make land available for purchase by the City or other public body for which land for public open space, park and recreation areas is to be reserved or dedicated, subject to the following limitations:

(a) Such purchased land must be used for the enlargement, by the addition of contiguous purchased land, of a site already reserved or dedicated for a tot lot, neighborhood park, neighborhood playground, or community playfield, as such terms are defined on pages 11 and 12 of the Park District Plan, and the purpose of such enlargement must be to conform such site to the size standards set forth on said pages 11 and 12.

(b) The purchase price for any such purchased land shall be computed at \$15,000 per acre plus a sum equal to the interest that would have been earned on the amount of the purchase price between July 1, 1973 and the date when any such purchase of land is closed if such interest were computed at the rate of one percent above the prime rate from time to time being charged by The First National Bank of Chicago to its large corporate borrowers.

(c) The maximum amount of land in each Region of the District which shall be subject to purchase pursuant to this Subsection a.(6) shall be fifteen percent of the amount of land required to be

reserved and dedicated in such Region for public open space, park and recreation areas.

(d) It shall be a condition to the obligation of the developers to make land available for purchase pursuant to this Subsection a.(6) that the location of such land is consistent and compatible with the developer's Land Use Plan, General Development Plans and Preliminary Plans, if any, for the area in which the land to be purchased is located.

(e) No land need be made available for purchase pursuant to these provisions if such land is covered by an approved Preliminary Plan.

(f) No land need be made available for purchase pursuant to these provisions if such land shall have been conveyed pursuant to Subsection V L. of this Plan Description, and no provision for such purchase shall have been made in the deed or other document deposited with the Department of City Planning; provided, that prior to any such conveyance of land located in a Residential Area of the District, the developers shall have consulted with the City or other public body for which

land for public open space, park and recreation areas is to be reserved or dedicated as to the intended use of such conveyed land and shall have given good faith consideration to any request by the City or such other public body that a provision for such purchase be made in such deed or other document.

b. School Sites.

(1) Land shall be reserved in Region I of the District for school sites for elementary schools and junior high schools to serve such Region, the number of elementary and junior high schools to be determined by the school classification criteria set forth in Subsection (B)(1) of Section 43-48 of the Subdivision Control Ordinance (hereinafter called the "Site Size Criteria") and by the Table of Estimated Population. No reservation of land for a high school site shall be required in Region I.

(2) Land shall be reserved in Region II of the District for school sites for elementary schools and junior high schools to serve such Region, the number of elementary and junior high schools to be determined by the Table of Estimated Population and the Site Size Criteria. Land shall be reserved in Region II for school sites for high

schools to serve the District, the number of high schools to be determined by the Table of Estimated Population and the Site Size Criteria.

(3) In any case where the Table of Estimated Population requires the dedication of a fractional school site which is fifty percent or more of a required school site in accordance with the Site Size Criteria, the developers shall reserve additional land at such fractional site as required to meet the Site Size Criteria. Such additional land shall be subject to the purchase requirements provided for in Subsection B.19.b.(5) below.

(4) As a condition to the approval by the City Council of any Final Plan for a development phase of a Region of the District pursuant to Subsection 14.7 of the Zoning Ordinance, which Final Plan includes land reserved for one or more school sites, the City Council shall require (i) a dedication to the appropriate school district of all or that part of the reserved land which is required to be dedicated in accordance with the Table of Estimated Population and the Site Size Criteria, or (ii) a contractual commitment from the developer obligating the developer to dedicate all or such part of the reserved land to the appropriate school district within such time period as may be specified by the City Council,

which time period shall not, without the developer's approval, be longer than one year commencing with the date of such Final Plan approval; provided, that such dedication obligation shall, at the request of the developer, be conditioned upon the receipt by the developer, prior to such dedication, of legally binding contractual undertakings from such school district to the effect that (a) such school district will cooperate with the City or other public body to which any land adjacent to the reserved school site is to be dedicated for public open space, park and recreational areas, so as to maximize the utility of the public open space, park or recreational land for the needs of the educational facilities for which the reserved school site is to be used, and (b) the land to be dedicated will, within a reasonably prompt period of time, be improved with a building or buildings and other educational facilities adequate, in accordance with generally accepted standards, to meet the educational needs of the residents of the District which such dedicated land is intended to serve. The contractual undertakings which may be required from a school district as a condition to a land dedication obligation shall take into consideration the financial resources of such

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school district and the legal requirements that such district must meet in order to provide buildings and other educational facilities on the reserved land to which such dedication obligation is applicable.

(5) If, in accordance with the Table of Estimated Population and the Site Size Criteria, a fraction of a reserved school site is required to be dedicated, the developer may be required to sell and, in such event the school district shall be required to purchase, at the time of or prior to the dedication of such fractional site, the additional land reserved in order that such site comply with the Site Size Criteria. The purchase price of such additional land shall be \$12,000 per acre. In the alternative, such school district may elect to substitute a cash contribution for the developer's dedicated obligation with respect to such fractional site, in which event the cash contribution provisions of Subsection B.19.b.(6) below shall be applicable, and the developer shall be relieved from any reservation or dedication obligation with respect to such fractional site and any reservation obligation with respect to such additional land.

(6) If a school district chooses the cash contribution election provided for in Subsection B.19.b.(5) above in lieu of land dedication with respect to a fractional school site,

the City Council shall, as a condition to the approval of the Final Plan for the development phase of the Region which includes the reserved site with respect to which the cash contribution election shall have been made, require the developer to make a cash contribution or a cash contribution contractual commitment in lieu of a land dedication or a land dedication contractual commitment. The City Council shall also require from the developer of Region I, as a condition to the approval of any Final Plan for a development phase of that Region which would require land dedications or land dedication contractual commitments for a high school site, a cash contribution or cash contribution contractual commitment in lieu of such land dedication or land dedication contractual commitment. All cash contributions and cash contribution commitments shall be computed by multiplying \$12,000 by the number of acres or fraction thereof that would have been required to be dedicated pursuant to the dedication requirement for which the cash contribution is a substitute. A developer's obligation to make any cash contribution shall, at the request of the developer, be conditioned upon the receipt by the developer, prior to the time when such cash contribution is required to be made, of legally binding contractual undertakings from

the school district which has the responsibility for providing the education facilities for which such cash contribution is intended, to provide, within a reasonably prompt period of time, educational facilities adequate, in accordance with generally accepted standards, to meet the education needs of the residents of the development phase for which such cash contribution is made. All cash contributions shall be held in trust by the City, or another public body, person, firm or corporation approved by the City and the developer, solely for use in the acquisition of land for a school site to serve the immediate or future needs of children from the development phase with respect to which such cash contribution shall have been made or for the improvement to an existing school site or buildings which already serve such needs. If any portion of such cash contribution is not expended for the purposes set forth herein during such time period as may be specified in any contractual undertaking of an affected school district made pursuant to the provisions hereof, or, in the absence of a specified time period in a contractual undertaking, within seven years from the date of receipt, it shall be refunded to the developer.

(7) If the developer and any school district are unable to agree upon the contractual undertakings which may be requested by the

developer pursuant to Subsections B.19.b.(4) or B.19.b.(6) above, such school district or the developer may at any time request that the areas of disagreement be submitted to arbitration in accordance with the rules then obtaining of the American Arbitration Association, and the arbitrators shall be selected as follows: on ten days' written notice by either party to the other, each of them shall designate an arbitrator, and a third arbitrator shall be selected within twenty days thereafter by the two arbitrators so designated. The award under such arbitration shall, if accepted by such school district, be binding upon the developer. If the school district does not accept such award within thirty days after its determination, the developer shall be relieved from the land dedication or cash contribution obligation to which the contractual undertakings were a condition. In the case of an arbitration concerning a contractual undertaking which is a condition to a land dedication obligation of the developer, if the award in such arbitration is not accepted by the school district and the school district does not, within ninety days from the date of determination of such award, acquire the land which is the subject of the developer's dedication obligation by purchase or commence proceedings to acquire such land by condemnation, the developer shall be relieved from any reservation obligation with respect to such land. Such